STATUTORY INSTRUMENTS

1966 No. 1006

SOCIAL SECURITY

The National Insurance and Industrial Injuries (Miscellaneous and Consequential Provisions) Regulations 1966

Made - - -	*9th August* 1966
Laid before Parliament	*22nd August* 1966
Coming into Operation	*6th October* 1966

The Minister of Social Security, in exercise of powers conferred by section 81(3) of the National Insurance Act 1965(a) and section 11 of the National Insurance Act 1966(b) and of all other powers enabling her in that behalf, in consequence of the said Act of 1966 and in conjunction with the Treasury so far as relates to matters with regard to which the Treasury have so directed, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance and Industrial Injuries (Miscellaneous and Consequential Provisions) Regulations 1966 and shall come into operation on 6th October 1966.

(2) In these regulations unless the context otherwise requires—

" the Act " means the National Insurance Act 1965;

" the Industrial Injuries Act " means the National Insurance (Industrial Injuries) Act 1965(c);

" the Claims and Payments Regulations " means the National Insurance (Claims and Payments) Regulations 1948(d), as amended(e);

" the Determination of Claims and Questions Regulations " means the National Insurance (Determination of Claims and Questions) Regulations 1948(f), as amended(g);

" the Medical Certification Regulations " means the National Insurance (Medical Certification) Regulations 1948(h), as amended(i);

(a) 1965 c. 51. (b) 1966 c. 6. (c) 1965 c. 52.
(d) S.I. 1948/1041 (Rev. XVI, p. 313: 1948 I, p. 2709).
(e) The relevant amending instruments are S.I. 1952/1207, 1964/1110 (1952 II, p. 2122; 1964 II, p. 2472).
(f) S.I. 1948/1144 (Rev. XVI, p. 331: 1948 I, p. 2720).
(g) The relevant amending instrument is S.I. 1961/557 (1961 I, p. 1228).
(h) S.I. 1948/1175 (Rev. XVI, p. 324: 1948 I, p. 2803).
(i) The relevant amending instruments are S.I. 1952/992, 1966/26 (1952 II, p. 2180, 1966 I, p. 37).

" the Industrial Injuries Medical Certification Regulations " means the National Insurance (Industrial Injuries) (Medical Certification) Regulations 1965(a), as amended(b);

" the Unemployment and Sickness Benefit Regulations " means the National Insurance (Unemployment and Sickness Benefit) Regulations 1948(c), as amended(d).

(3) References in these regulations to any enactment or regulation shall, except in so far as the context otherwise requires, be construed as references to that enactment or regulation as amended or extended by or under any other enactment, order or regulation.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(e) shall apply in relation to this instrument and to the revocation effected by it as if this instrument and the regulation revoked by it were Acts of Parliament, and as if the revocation were a repeal.

Forward allowances and disallowances of sickness benefit and injury benefit

2.—(1) Subject to the provisions of paragraph (3) of this regulation, where for the purposes of the provisions of the Medical Certification Regulations or the Industrial Injuries Medical Certification Regulations it has been certified that a person is incapable of work and will continue to be so incapable for the period specified in the certificate—

(*a*) a claim for sickness benefit under the Act or injury benefit under the Industrial Injuries Act based on the certificate shall, unless in any case the Minister otherwise directs, be treated as if made by that person for that period;

(*b*) on any such claim such benefit may be awarded or disallowed for the whole or any part of that period after the date of the claim but not exceeding 13 weeks or such shorter period as the Minister may in any particular case direct;

(*c*) if on any such claim such benefit is awarded or disallowed for part only of the period in respect of which the claim for sickness benefit or injury benefit is treated as if made, further decisions in accordance with the foregoing sub-paragraph awarding or disallowing such benefit may be given on the same claim.

(2) Any decision awarding sickness benefit or injury benefit under paragraph (1) of this regulation shall be subject to the condition that the claimant continues to satisfy the requirements for payment thereof during the period to which the award relates and if the said requirements are found not to have been satisfied at some time during the said period the award shall be reviewed.

(3) Where a claim for sickness benefit is disallowed on the ground that—

(*a*) the contribution condition in paragraph 1(*a*) of Schedule 2 to the Act is not satisfied; or

(*b*) although that contribution condition is satisfied, neither the contribution condition in paragraph 1(*b*) of the said Schedule 2 nor the requirements of regulation 13 of the Unemployment and Sickness

(a) S.I. 1965/899 (1965 I, p. 2376). (b) S.I. 1966/27 (1966 I, p. 40).
(c) S.I. 1948/1277 (Rev. XVI, p. 212: 1948 I, p. 2676).
(d) There is no amendment which relates expressly to the subject matter of these regulations.
(e) 1889 c. 63.

Benefit Regulations (partial satisfaction of contribution conditions) are satisfied; or

(*c*) under section 21 of the Act the claimant's right to sickness benefit is exhausted;

the decision disallowing that claim shall be treated as a decision disallowing any further claim (being a continuation claim within the meaning of paragraph 2(*c*) of column (1) of Part I of the Second Schedule to the Claims and Payments Regulations) by that person for that benefit until the grounds for the original disallowance have ceased to exist.

(4) The provisions of regulation 19(2)(*a*) of the Determination of Claims and Questions Regulations (limitation of payment of benefit on review) shall not apply to the review of a decision disallowing a claim for sickness benefit on any of the grounds specified in paragraph (3) of this regulation if such a decision has been treated as a decision disallowing a further claim.

Set-off of benefit against earlier payment of dependency benefit

3.—(1) Benefit under the Act or the Industrial Injuries Act paid to one person in respect of another as being a child of the family, or the wife or husband, or an adult dependant of the first-mentioned person shall, unless it is required to be repaid, be treated as having been properly paid for any period for which it is not in fact payable in cases where under a subsequent decision either—

(i) that other person is himself entitled to benefit under either of those Acts for that period; or

(ii) a third person is entitled to benefit under either of those Acts for that period in respect of that other person in priority to the first-mentioned person,

and any arrears of benefit payable for that period by virtue of the subsequent decision shall be reduced or withheld accordingly.

(2) Regulation 2 of the Family Allowances, National Insurance and Industrial Injuries (Consequential) Regulations 1962(a) is hereby revoked.

Margaret Herbison,
Minister of Social Security.

8th August 1966.

W. Howie,
E. Alan Fitch,
Two of the Lords Commissioners of Her Majesty's Treasury.

9th August 1966.

(a) S.I. 1962/326 (1962 I, p. 300).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations are made in consequence of the National Insurance Act 1966 and accordingly, by virtue of section 14(6) of that Act, no reference of them has been made to the National Insurance Advisory Committee or to the Industrial Injuries Advisory Council.

The regulations enable forward awards and disallowances of sickness benefit under the National Insurance Act 1965 and of injury benefit under the National Insurance (Industrial Injuries) Act 1965 to be made in certain circumstances and also deal with the set-off of benefit against the earlier payment of dependency benefit.